



GOV. MSG. NO. 1210

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 27, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2024, the following bill was signed into law:

HB1932 HD2 SD1 CD1

RELATING TO THE DEPARTMENT OF
TRANSPORTATION.
ACT 109

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

H.B. NO. 1932
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 26-19, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-19 Department of transportation.** (a) The department
4 of transportation shall be headed by a single executive to be
5 known as the director of transportation. The department shall
6 establish, maintain, and operate transportation facilities of
7 the State, including highways, airports, harbors, and [~~such~~] any
8 other transportation facilities and activities as may be
9 authorized by law.

10 (b) The department shall plan, develop, promote, and
11 coordinate various transportation systems management programs
12 that shall include[~~τ~~] but not be limited to[~~τ~~] alternate work
13 and school hours programs, bicycling programs, and ridesharing
14 programs.

15 (c) The department shall develop and promote ridesharing
16 programs [~~which~~] that shall include but not be limited to[~~τ~~]
17 carpool and vanpool programs, and may assist organizations

1 interested in promoting similar programs, arrange for contracts
2 with private organizations to manage and operate these programs,
3 and assist in the formulation of ridesharing arrangements.

4 Ridesharing programs include informal arrangements in which two
5 or more persons ride together in a motor vehicle.

6 (d) The functions and authority heretofore exercised by
7 the department of public works with respect to highways are
8 transferred to the department of transportation established by
9 this chapter.

10 (e) On July 1, 1961, the Hawaii aeronautics commission,
11 the board of harbor commissioners and the highway commission
12 shall be abolished and their remaining functions, duties, and
13 powers shall be transferred to the department of transportation.

14 (f) Notwithstanding any law to the contrary, the
15 department of transportation may:

16 (1) Acquire, or contract to acquire, by grant or purchase
17 any real, personal, or mixed property or any interest
18 therein for immediate or future use for the purposes

19 of:

20 (A) Climate mitigation and adaptation;

21 (B) Noise and visual buffer zones and barriers;



1 (C) Transportation projects pursuant to section 264-
2 142;

3 (D) This section; or

4 (E) Title 15;

5 (2) Own, hold, improve, and rehabilitate any real,
6 personal, or mixed property acquired pursuant to this
7 subsection; and

8 (3) Sell, assign, exchange, transfer, convey, lease or
9 otherwise dispose of, or encumber any real, personal,
10 or mixed property acquired pursuant to this
11 subsection. Upon making a finding that it is
12 necessary to acquire any real property for immediate
13 or future use for the purposes of this section or
14 title 15, the department of transportation may acquire
15 the property by condemnation pursuant to chapter 101;
16 provided that the property shall not thereafter be
17 acquired for any other public use without the consent
18 of the department of transportation;

19 provided that for the purposes of this subsection, the director
20 of transportation shall be authorized to exercise all the powers
21 vested in the board of land and natural resources for functions



1 subject to chapter 171; provided further that if state lands,
 2 other than public lands, under the control and management of
 3 another department or agency are required by the department of
 4 transportation for the purposes of this section or title 15, the
 5 department or agency having control and management of the
 6 required lands shall, upon a request by the department of
 7 transportation and with the approval of the governor, transfer
 8 title to or lease those lands to the department of
 9 transportation under terms and conditions as may be agreed to by
 10 the parties."

11 SECTION 2. Section 171-2, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "**§171-2 Definition of public lands.** "Public lands" means
 14 all lands or interest therein in the State classed as government
 15 or crown lands previous to August 15, 1895, or acquired or
 16 reserved by the government upon or subsequent to that date by
 17 purchase, exchange, escheat, or the exercise of the right of
 18 eminent domain, or in any other manner; including lands accreted
 19 after May 20, 2003, and not otherwise awarded, submerged lands,
 20 and lands beneath tidal waters that are suitable for



1 reclamation, together with reclaimed lands that have been given
2 the status of public lands under this chapter, except:

3 (1) Lands designated in section 203 of the Hawaiian Homes
4 Commission Act, 1920, as amended;

5 (2) Lands set aside pursuant to law for the use of the
6 United States;

7 (3) Lands being used for roads and streets;

8 (4) Lands to which the United States relinquished the
9 absolute fee and ownership under section 91 of the
10 Hawaiian Organic Act before the admission of Hawaii as
11 a state of the United States unless subsequently
12 placed under the control of the board of land and
13 natural resources and given the status of public lands
14 in accordance with the state constitution, the
15 Hawaiian Homes Commission Act, 1920, as amended, or
16 other laws;

17 (5) Lands to which the University of Hawaii holds title;

18 (6) Non-ceded lands set aside by the governor to the
19 Hawaii housing finance and development corporation or
20 lands to which the Hawaii housing finance and



- 1 development corporation in its corporate capacity
2 holds title;
- 3 (7) Lands to which the Hawaii community development
4 authority in its corporate capacity holds title;
- 5 (8) Lands set aside by the governor to the Hawaii public
6 housing authority or lands to which the Hawaii public
7 housing authority in its corporate capacity holds
8 title;
- 9 (9) Lands to which the department of agriculture holds
10 title by way of foreclosure, voluntary surrender, or
11 otherwise, to recover moneys loaned or to recover
12 debts otherwise owed the department under chapter 167;
- 13 (10) Lands that are set aside by the governor to the Aloha
14 Tower development corporation, lands leased to the
15 Aloha Tower development corporation by any department
16 or agency of the State, or lands to which the Aloha
17 Tower development corporation holds title in its
18 corporate capacity;
- 19 (11) Lands that are set aside by the governor to the
20 agribusiness development corporation, lands leased to
21 the agribusiness development corporation by any



1 department or agency of the State, or lands to which
2 the agribusiness development corporation in its
3 corporate capacity holds title;

4 (12) Lands to which the Hawaii technology development
5 corporation in its corporate capacity holds title;

6 (13) Lands to which the department of education holds
7 title;

8 (14) Lands to which the stadium authority holds title;
9 [~~and~~]

10 (15) Lands to which the school facilities authority holds
11 title; and

12 (16) Lands that are set aside by the governor to the
13 department of transportation, lands leased to the
14 department of transportation by any department or
15 agency of the State, or lands to which the department
16 of transportation holds title;

17 provided that, except as otherwise limited under federal law and
18 except for state land used as an airport as defined in section
19 262-1, public lands shall include the air rights over any
20 portion of state land upon which a county mass transit project
21 is developed after July 11, 2005; provided further that if the



1 lands pursuant to paragraph (6) are no longer needed for housing
2 finance and development purposes, the lands shall be returned to
3 the agency from which they were obtained; provided further that
4 if the lands pursuant to paragraph (14) are no longer needed for
5 the stadium development district or related purposes, the lands
6 shall be returned to the public land trust administered by the
7 department."

8 SECTION 3. Section 171-30, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) ~~[The]~~ Except as provided in section 26-19(f), the
11 board ~~[of land and natural resources]~~ shall have the exclusive
12 responsibility, except as provided herein, of acquiring,
13 including by way of dedications:

14 (1) All real property or any interest therein and the
15 improvements thereon, if any, required by the State
16 for public purposes, including real property together
17 with improvements, if any, in excess of that needed
18 for ~~[such]~~ the public use in cases where small
19 remnants would otherwise be left or where other
20 justifiable cause necessitates the acquisition to
21 protect and preserve the contemplated improvements, or



1 public policy demands the acquisition in connection
2 with [~~such~~] the improvements[-]; and

3 (2) Encumbrances, in the form of leases, licenses, or
4 otherwise on public lands, needed by any state
5 department or agency for public purposes or for the
6 disposition for houselots or for economic development.

7 The board shall upon the request of and with the funds from
8 the state department or agency effectuate all acquisitions as
9 provided under this section.

10 The acceptance by the territorial legislature or the
11 legislature of a dedication of land in the Kakaako community
12 development district by a private owner is sufficient to convey
13 title to the State."

14 SECTION 4. Section 264-15, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§264-15 Highway advance acquisition; source of funds.**

17 The director may, with the approval of the governor, expend
18 moneys appropriated by the legislature as may be necessary for
19 the acquisition of real property when the director determines:

20 (1) The acquisition of the real property is necessary for
21 a state highway project authorized by the legislature;

1 (2) Funds previously authorized by the legislature are
2 inadequate; [~~and~~]

3 (3) That any delay in the acquisition of such property
4 would unnecessarily increase the cost of the highway
5 project; and

6 (4) The acquisition, management, or maintenance of the
7 real property as necessary for projects relating to
8 climate mitigation and adaptation and visual and noise
9 buffer zones and barriers;

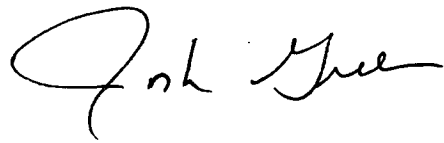
10 provided that the selected corridor and alignment of the project
11 shall have been approved by the governor.

12 All moneys received from the rental, sale, or lease of any
13 property acquired under this section shall be paid into the
14 state general fund; provided that whenever federal funds are
15 involved in the acquisition of the property, any money received
16 from the sale, lease, or rental of such property shall be
17 expended toward the project for which the property was
18 acquired."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

1 SECTION 6. This Act shall take effect on July 1, 2024.

APPROVED this 27th day of June , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 1932, HD 2, SD 1, CD 1

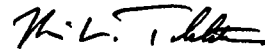
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives




Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate